



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,270	12/06/2001	Michael Skala	P-3767-US	3848

49443 7590 08/01/2006

PEARL COHEN ZEDEK, LLP
1500 BROADWAY 12TH FLOOR
NEW YORK, NY 10036

EXAMINER

REKSTAD, ERICK J

ART UNIT	PAPER NUMBER
----------	--------------

2621

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/004,270	Applicant(s) SKALA ET AL.	
	Examiner Erick Rekstad	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4-6,8,9 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4-6,8,9 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a Final Rejection for Application no. 10/004,270 in response to the amendment filed on May 23, 2006 wherein claims 2, 4-6, 8, 9, and 39 are presented for examination.

Response to Arguments

Applicant's arguments with respect to claims 2, 4-6, 8 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4-6, 8, 9, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,604,531 to Iddan et al. in view of 5,875,280 to Takaiwa et al., US Patent 4,786,982 to Wakahara et al. and US Patent 5,519,828 to Rayner.

[claims 39 and 9]

As shown in Figure 1, Iddan teaches a method for observing an image stream, the method comprising:

Accepting images acquired by a swallowable in-vivo device (10) disposed within a body lumen; (Note: Fig. 1 states the swallowable in-vivo device is a capsule as required by claim 9)

Displaying the images on a monitor(18) in the form of a moving image (Col 3 Lines 12-26, Col 4 Lines 56-62).

Iddan further teaches the storage of the video using a storage unit (19) prior to its processing (Col 3 Lines 23-26 and Col 4 Lines 55-62). The stored video is transferred to a workstation for viewing (Col 3 Lines 23-26). Iddan does not specifically teach the type of storage used. It would have been obvious to one of ordinary skill in the art at the time of the invention to record the video on a tape as this is a well know medium to temporarily store video (Official Notice). Iddan is silent on the rate the video is recorded. Iddan does not teach accepting a directional signal from a wheel of a mouse. Iddan further does not teach altering the direction or speed of the display of the moving image according to the directional signal.

Takaiwa teaches a recording apparatus using a small cassette tape for recording a relatively large capacity of video signals (Col 3 Line 63- Col 4 Line 5). Takaiwa further teaches the recording at a speed of 2 frames per second (Col 10 Lines 38, Note: Lines 37-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the recording means of Takaiwa as the storage means of Iddan in order to record a relatively large capacity of video signals. Takaiwa does not teach accepting

a directional signal from a wheel of a mouse. Takaiwa further does not teach altering the direction or speed of the display of the moving image according to the directional signal.

As shown in Figure 1, Wakahara teaches the use of a VTR to play video stored on tapes (Col 4 Lines 52-64). As shown in Figure 13, Wakahara teaches the accepting a pause signal (1014) to halt a movement of said images and accepting a directional signal from a wheel (20, Fig. 1) after said movement of said images has halted (1016, 1018 and 1020) (Col 11 Line 31-Col 12 Line 60). Wakahara further teaches altering the direction or speed of the display of the moving image according to directional signal (Col 11 Line 31-Col 12 Line 60). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the VTR of Wakahara with the stored video of Iddan in order to view the stored video at a later time and at a desired speed as taught by Wakahara. Wakahara does not teach the use of a mouse.

As shown in Figure 2, Rayner teaches a video editing system similar to the system of Wakahara. The system provides the user the ability to view the video provided by a video storage device (50) at different speeds and different directions (Col 2 Lines 34-52, Col 5 Lines 53-58, Figs 5 and 6). The speed and direction are controlled by a mouse (70, Fig. 4), a knob(81, Fig6) or other cursor control device (Col 9 Lines 58-59, Col 10 Line 35-Col 11 Line 52). It would have been obvious to one of ordinary skill in the art to replace the knob of Wakahara with a mouse wheel in the system of Iddan, Takaiwa and Wakahara as Rayner teaches a mouse is an equivalent user interface to a knob.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 571-272-7338. The examiner can normally be reached on 8-5.

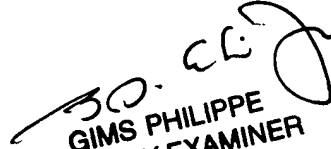
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Erick Rekstad
Examiner
AU 2613
(703) 305-5543
erick.rekstad@uspto.gov




GIMS PHILIPPE
PRIMARY EXAMINER